IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 922(S/S)2007

Smt. Babita Bisht W/o Sri G.S. Bisht,
R/o Nagnath ward, Nagar Panchayat, Champawat,
District Champawat. ---- Petitioner.

Vs.

1. State of Uttarakhand, through Director of School Education, Uttarakhand, Dehradun,
2. District Education Officer, Champawat,
3. Addl. District Education Officer (Basic), District Champawat. ----Respondents.

Sri. A.K. Sharma, learned counsel for the petitioner.
Sri. Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand/respondents,

Hon'ble M.M. Ghildiyal, J.

Heard Sri A.K. Sharma, learned counsel for the petitioner and Sri. Paresh Tripathi, learned Standing Counsel for State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the order dated 12.06.2007 (annexure no.1) passed by the respondent no. 3- Addl. District Education Officer (Basic), District Champawat,

ii. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

iii. Award the cost of petition in favour of the petitioner.

The petitioner has been transferred from Junior High School, Maurari, district Champawat to Junior High School, Dhura, district Champawat vide order dated 12th June 2007 passed by Addl. District Education Officer (Basic), Champawat.

The said transfer order, which has been passed by the Addl. District Education Officer (Basic), Champawat, has been assailed by the petitioner on the ground of her ailments. It is submitted that the petitioner was medically examined by the District Medical Board and has been provided a certificate regarding her ailments.

Learned Standing Counsel has submitted that the Govt. has already issued directions in regard to the transfers of such employees that if any incumbent is suffering from any disease and incase, such incumbent is desirable to stay at any station, he/she shall appear before the State Medical Board and on the basis of report of State Medical Board, the Transferring Authority shall reconsider transfer of such employee. Learned counsel for the petitioner has submitted that in this connection the petitioner has already moved a representation before the Appropriate Authority.

In these circumstances, the petitioner is directed to produce the certificated of her ailments provided by the Medical Board before the Addl. District Education Officer (Basic), Champawat within 10 days from today. In case, the petitioner complies with the directions of this Court, the Addl. District Education Officer (Basic), Champawat shall pass appropriate orders, after taking into consideration the medical certificate issued to the petitioner, within a period of two weeks from the date of production of certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 20, 2007:
NCM: